

FRIDAY, APRIL 21, 1893.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Baya, Blicht, Borden, Bristol, Broome, Browne, Calhoun, Fleming, Grady, Genovar, Johnson, Marks, McKay, McKinne, McKinney, McLeran, Morrow, Myers, Perrenot, Reeves, Rosborough, St. Clair Abrams, Summers, Thomas, Wadsworth, Weeks, Whidden, Williamson and Wolfe—29.

A quorum present.

Prayer by the Chaplain.

The Journal was corrected and approved.

The President announced that during the temporary absence of Mr. Blicht as a member of the Senate committee to visit the Deaf and Blind Asylum at St. Augustine, he had appointed Mr. Genovar to take his place on the committees of which Mr. Blicht was a member.

Introduction of Bills.

By Mr. Fleming:

Senate Bill No. 146:

A bill to be entitled an act to make Sections 12 and 13, Township 9, south Range 22 east, and all of Section 18, Township 9, south of Range 23 east, that lies south of the old Bellamy or Federal road, a part of Clay county.

Mr. Fleming moved that the rule be waived and that the bill be read the first time by its title;

Which was agreed to by a two-thirds vote,

Whereupon the bill was read the first time by its title and referred to the Committee on City and County Organization.

Also,

Senate Bill No. 147:

A bill to be entitled an act to amend Section 6, Article 8, of the Constitution of the State of Florida.

Mr. Fleming moved that the rule be waived and that the bill be read the first time by its title;

Which was agreed to by a two-thirds vote,

Whereupon the bill was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Mr. Marks:

Senate Bill No. 148:

A bill to be entitled an act to amend Chapter 1399 Revised Statutes of Florida, regulating the pay of Circuit Court stenographers.

Mr. Marks moved that the rule be waived and that the bill be read the first time by its title;

Which was agreed to by a two-thirds vote,

Whereupon the bill was read the first time by its title and referred to the Committee on Judiciary.

By Mr. McKinney:

Senate Bill No. 149:

A bill to be entitled an act providing for the sale of real property for distribution by administrators and executors.

Mr. McKinney moved that the rule be waived and that the bill be read the first time by its title;

Which was agreed to by a two-thirds vote,

Whereupon the bill was read the first time by its title and referred to the Committee on Judiciary.

By Mr. Morrow:

Senate Bill No. 150:

A bill to be entitled an act to regulate the taking of fish in certain salt waters of the State of Florida.

Mr. Morrow moved that the rule be waived and that the bill be read the first time by its title;

Which was agreed to by a two-thirds vote,

Whereupon the bill was read the first time by its title and referred to the Committee on Fisheries.

By Mr. St. Clair Abrams:

Senate Bill No. 151:

A bill to be entitled an act relating to judgments.

Mr. St. Clair Abrams moved that the rule be waived and that the bill be read the first time by its title;

Which was agreed to by a two-thirds vote,

Whereupon the bill was read the first time by its title and referred to the Committee on Judiciary.

Consideration of Resolutions, Petitions and Memorials.

Senate Concurrent Resolution No. 18:

Requesting the representatives in Congress from Florida to urge upon Congress the importance of enacting such laws as will bring about the early construction of the Nicaragua canal alone and exclusively by the government of the United States,

Was read the second time.

Mr. Browne moved that the further consideration of the resolution be postponed until to-morrow;

Which was agreed to, and so ordered.

Senate Memorial No. 4:

Being a memorial to the Legislature of the State of Florida from the Colored State Teachers' Association in relation to House Bill No. 28,

Was read the second time.

Referred to the Committee on Education.

House Joint Resolution and Memorial to Congress:

Asking for a mail route from Braidentown in Manatee, to Arcadia in DeSoto county, Florida,

Was taken up.

Mr. McKinne moved that the rule be waived and that the Joint Resolution be read the second time;

Which was agreed to by a two-thirds vote,

Whereupon the Joint Resolution was read the second time in full.

Mr. McKinne moved that the rules be further waived and that the Joint Resolution be read the third time;

Which was agreed to by a two-thirds vote and the Joint Resolution was read the third time and put upon its passage.

Upon its passage the vote was:

Y—As—Messrs. Baya, Borden, Bristol, Broome, Browne, Calhoun, Fleming, Genovar, Johnson, McKay, McKinne, McKinney, McLeran, Morrow, Perrenot, Reeves, Rosborough, St. Clair Abrams, Summers, Thomas, Wadsworth, Weeks, Whidden, Wolfe—24.

Nays—None.

So the Joint Resolution passed, title as stated, and was ordered referred to the Joint Committee on Enrolled Bills.

Reports of Committees.

Mr. Whidden, Chairman of Committee on State Affairs submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., April 21, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on State Affairs, to whom was referred—

Senate Bill No. 142:

A bill to be entitled an act to raise a fund to have the resources of the State of Florida properly exhibited at the Columbian Exposition and for the proper expenditure of said fund.

Also,

Senate Bill No. 141:

To be entitled an act to make an appropriation to have the State of Florida properly represented at the Columbian Exposition at Chicago for the year 1893, and for the expenditure of the said appropriation.

Have examined the same and recommend that they do not pass.

Very respectfully,

J. W. WHIDDEN,
Chairman Committee.

Also the following:

SENATE CHAMBER,
TALLAHASSEE, FLA., April 21, 1893: }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on State Affairs, to whom was referred—

Senate Bill No. 131:

An act to amend an act entitled an act to provide an institute for the blind and deaf and dumb in this State.

Also,

House Concurrent Resolution No. 35:

For the appointment of a joint committee to determine as to whether or not the present system of letting the State

convicts is the best that can be adopted, and for other purposes.

Also,

House Joint Resolution No. 26:

Relating to duty on foreign pineapples,

Have had the same under consideration, and recommend that they do pass.

Very respectfully,

J. W. WHIDDEN,
Chairman Committee.

Which were placed among the orders of the day.

Mr. Calhoun, Chairman Committee on Corporations, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., April 21, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Corporations, to whom was referred—

Senate Bill No. 127:

Entitled an act to repeal the act approved June 8, 1891, entitled an act providing for forfeiture of franchises, grants, rights, privileges, licenses and immunities in certain cases.

Do hereby report that they have had said bill under consideration and report the same back without recommendation.

Very respectfully,

BENJ. P. CALHOUN,
Chairman of Committee.

Which was placed among the orders of the day.

Mr. McKay, Chairman of Committee on Fisheries, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., April 21, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Fisheries, to whom was referred

Senate Bill No. 71:

A bill to be entitled an act for the protection of fish in the salt waters of the State of Florida.

Beg leave to report that they have examined the same and recommend that it do not pass.

Very respectfully,

JAS. MCKAY,
Chairman of Committee.

Which was placed among the orders of the day.

Mr. Perrenot, Chairman of Committee on Public Health, submitted the following report:

SENATE CHAMBER, }
TALLAHASSEE, FLA., April 21, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Public Health, to whom was referred—

Senate Bill No. 107:

A bill to be entitled an act to create and establish a State Bureau of Vital Statistics for the State of Florida, and to increase the efficiency of the State Board of Health.

Also,

Senate Bill No. 108:

To be entitled an act to provide for the collection of vital statistics in the several counties of the State of Florida.

Beg leave to report that they have examined the same, and find that bills identically the same have been previously referred to, and reported upon by this committee.

Therefore they return the same without recommendation.

Very respectfully,

C. J. PERRENOT,
Chairman of Committee.

Which was placed among the orders of the day.

Mr. Wolfe, Chairman Committee on Engrossed Bills, submitted the following report:

SENATE CHAMBER, }
TALLAHASSEE, FLA., April 21, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 105A:

Entitled an act to amend Section 255 of the Revised Statutes of the State of Florida.

Also,

Senate Bill No. 47:

Entitled an act to prevent the use of purse or drag seines, and to prohibit the building and maintaining of dykes or pounds, in any stream, river or waters of this State, whereby shad may be prevented from running or passing up, or through the same, during their spawning season between December 1st and April 1st of every year;

Also,

Senate Bill No. 133:

Entitled an act to preserve and protect the natural oyster beds along the coast of Florida.

Also,

Senate Bill No. 33:

Entitled an act to create and establish a State bureau of vital statistics for the State of Florida, and to increase the efficiency of the State Board of Health.

Also,

Senate Bill No. 132:

Entitled an act to require certain corporations to give to their agents or employes the causes of their removal or discharge, when discharged or removed,

Beg leave to report that they have carefully examined the same and find them correctly engrossed.

Very respectfully,

J. EMMET WOLFE,
Chairman Committee on Engrossed Bills.

Also the following:

SENATE CHAMBER, }
TALLAHASSEE, FLA., April 20, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 119:

Entitled an act to amend Section 258 of Chapter 1 of Part 1 of the Revised Statutes of Florida.

Also,

Senate Bill No. 91:

Entitled an act for the protection and preservation of the natural or public oyster beds within the jurisdiction of Santa Rosa county, Florida.

Also,

Senate Bill No. 106:

Entitled an act relating to the catching of fish in the waters of the State of Florida for fertilizing purposes.

Beg leave to report that they have examined the same, and find them correctly engrossed.

Very respectfully,

J. EMMET WOLFE,

Chairman of Committee on Engrossed Bills.

Which were placed among the orders of the day.

Mr. Genovar, Chairman Committee on Enrolled Bills, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., April 21, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 1:

A bill to be entitled an act to incorporate the Jackson County Mill Company,

Beg leave to report that they have carefully examined the same and find it carefully enrolled.

Also,

Senate Bill No. 19:

A bill to be entitled an act to incorporate the Marianna and Greenwood Telephone Company,

Beg leave to report that they have carefully examined the same and find it carefully enrolled.

Very respectfully,

F. B. GENOVAR,

Chairman Committee

Which was ordered referred to the joint committee on enrolled bills.

Mr. Morrow asked and was granted unanimous consent to withdraw Senate Bill No. 71.

The President appointed Senator Johnson to serve in place of Mr. Perrenot as a member of the committee to visit the convict camps.

Mr. St. Clair Abrams moved that the rule be waived and that Senate Bill No. 103 be taken from its regular place on calendar of bills on third reading and put back on its second reading for purposes of amendment;

Which was agreed to by a two-thirds vote,

Whereupon

Senate Bill No. 103:

A bill to be entitled an act relating to railroad corporations,

Was put back upon its second reading, and read a second time in full.

Mr. St. Clair Abrams offered the following amendment:

Amend by striking out all after "Section 2" and inserting:

That it shall be unlawful for any railroad corporation now or hereafter enjoying or exercising any rights, privileges or franchises under the laws of this State, to enter into or make any contract with any other railroad corporation, by purchase or sale, lease or consolidation, or by any agreement whatsoever either directly or indirectly, which may have the effect, or be intended to have the effect, of lessening competition or of encouraging monopoly in the business of any railroad corporation, or of centering the business of two or more railroad corporations under the control of any one; and all such agreements, contracts, purchases, sales, leases or consolidations shall be held and deemed utterly null and void and of no effect, and any railroad corporation violating any of the provisions of this act shall be liable to the penalty of forfeiture of its charter.

Amend by striking out all after "Section 3" and inserting:

That it shall be unlawful for any railroad corporation, or for any person, acting directly or indirectly in the interest of any railroad corporation, to own or in any manner control the shares of stock or a majority of the shares of stock of any other railroad corporation doing business wholly or partly within this State, where such ownership or control may have the effect or be intended to have the effect of defeating

or lessening competition or of encouraging a monopoly of the business of any railroad corporation; and the ownership or control of such shares or stock shall be held and deemed and is hereby declared to be contrary to public policy, and the voting of such shares or stock shall upon proper bill filed in the courts of equity of this State be forever enjoined.

Amend by adding:

Section 4. That if any railroad corporation, its officers or agents shall violate the provisions of this act it shall be the duty of the Attorney-General to institute such proceedings by bill in chancery as may be necessary to enforce the provisions of this act.

Amend by adding:

Sec. 5. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Amend by adding:

Sec. 6. This act shall take effect immediately.

Mr. St. Clair Abrams moved that the bill with amendments be postponed and made the special order for Tues d. 7, April 25, 1893;

Which was agreed to, and so ordered.

Mr. Marks moved that 100 copies of Senate Bill No. 103 and amendment be printed;

Which was agreed to, and so ordered.

Consideration of Bills on Second Reading.

Senate Bill No. 116:

A bill to be entitled an act to authorize the clerks of the Circuit Courts to record and index the judgments and decrees of the courts of the United States,

Was taken up and passed informally, the introducer of the bill not being present in the chamber.

Senate Bill No. 128:

A bill to be entitled an act concerning notaries public,

Was read the second time in full and ordered engrossed for its third reading.

House Bill No. 45:

A bill to be entitled an act to prescribe the manner of payment to jurors and witnesses to be paid by the State,

Was read the second time in full.

Mr. McKay moved that 100 copies of the bill be printed; Which was withdrawn.

The bill was passed to the calendar of bills on their third reading.

House Bill No. 30:

A bill to be entitled an act to amend Section 906 of the Revised Statutes of Florida,

Was read the second time in full.

Mr. Williamson moved that 200 copies of the bill be printed.

Mr. Baya moved to amend the motion of Mr. Williamson by inserting that 100 copies of the bill be printed.

Mr. Williamson moved to lay the amendment of Mr. Baya on the table;

Which was not agreed to.

The motion of Mr. Baya that 100 copies of the bill be printed,

Was agreed to.

The bill was ordered to remain on its second reading.

House Bill No. 38:

A bill to be entitled an act authorizing attorneys-at-law to administer oaths,

Was read the second time in full and passed to the calendar of bills on their third reading.

House Bill No. 17:

To be entitled an act prescribing that a scrawl or a scroll printed or written shall be as effective as a seal,

Was read the second time in full.

Mr. Myers moved that the rules be waived and that the bill be read the third time;

Which was agreed to by a two-thirds vote and the bill was read the third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Bristol, Broome, Fleming, Johnson, Marks, McKay, McKinne, McKinney, McLeran, Morrow, Myers, Perrenot, Reeves, Rosborough, St. Clair Abrams, Summers, Thomas, Wadsworth, Weeks, Whidden, Williamson and Wolfe—24.

Nays—None.

So the bill passed, title as stated.

Mr. Myers moved that the rules be further waived,

and that the bill be immediately certified to the House of Representatives;

Which was agreed to by a two-thirds vote, and so ordered.

Pending consideration of bills on their third reading—

Mr. Myers moved that the rules be waived and that the Senate recur to consideration of bills on their second reading;

Which was agreed to by a two-thirds vote, and so ordered.

Whereupon,

House Bill No. 106:

A bill to be entitled an act to limit the time within which appeals in chancery may be taken,

Was read the second time in full and passed to the calendar of bills on their third reading.

Pending further consideration of bills on their second reading—

Mr. Marks moved that the rules be waived and that the Senate take up Senate Bill No. 67 out of its regular order.

Which was agreed to by a two-thirds vote, and so ordered.

Whereupon,

Senate Bill No. 67:

To be entitled an act limiting the obligation of contracts and deeds secured by mortgage,

Was read the second time in full.

Mr. Marks offered the following amendment:

Amend the title to read as follows:

A bill to be entitled "An act relating to certain notes or other instruments of writing for the payment of money.

Strike out all of the enacting clause and insert the following in lieu thereof, to-wit:

Section 1. That all notes or other instruments of writing for the payment of money, for which security may be given by mortgage or by the deposit of collateral with the creditor, shall be held and deemed special indebtedness, and shall have written across the face thereof the words: "Secured by mortgage," or the words, "Secured by collateral," as the case may be, and all such notes or other instruments of writing shall be sued on in the Equity Courts of this State by bill to foreclose the mortgage or to enforce the lien on the collateral.

Sec. 2. That where land or other property is mortgaged or given to secure the payment of any note or other instrument of writing the land or other property so given shall be

solely liable for the indebtedness, and no execution for any deficiency arising from the sale of the collateral or mortgaged premises shall issue in favor of the mortgagee or his assign, or in favor of the holder of the collateral, and no suit or action for any balance shall be maintained in any court in this State.

Sec. 3. That if any note or other instrument of writing described in section 1 shall be sued on in an action at law or in any other manner than as prescribed in said section, the defendant shall have the right to plead that the said note or other instrument of writing is secured by mortgage or collateral, and on said plea having been sustained by proof such action shall abate.

Mr. Marks moved that the amendment be adopted.

Mr. St. Clair Abrams offered the following amendment to the amendment:

Amend by adding after the last words in Section 2 the words:

Provided, That nothing in this act shall be construed so as to release the indorser other than the drawer of the note or other instrument of writing, of any liability to the holder for the full amount named in the note or other instrument of writing;

Which was accepted.

Mr. St. Clair Abrams moved that the amendment as amended be adopted;

Which was agreed to, and the amendment as amended was adopted.

Mr. Reeves moved that the bill remain on its second reading and that 100 copies of the same and amendments be printed;

Which was agreed to, and so ordered.

Senate Bill No. 113:

A bill to be entitled an act to repeal Chapter 3973 of the Laws of Florida, approved June 7, 1889, being an act entitled an act to incorporate the city of New St. Augustine,

Was read the second time in full.

Mr. Summers moved that the rules be waived and that the bill be read the third time;

Which was agreed to by a two-thirds vote and the bill was read the third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Borden, Broome, Farmer, Fleming, Genovar, Johnson, Marks, McKay, McKinne, McKinney, McLeran, Morrow, Myers, Reeves, Rosborough, St. Clair Abrams, Summers, Thomas, Wadsworth, Weeks, Whidden, Williamson, Wolfe—24.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Pending further consideration of bills on their third reading—

Mr. Summers moved that the rules be waived and that the Senate recur to the consideration of bills on their second reading;

Which was agreed to by a two-thirds vote, and so ordered.

Whereupon,

Senate Bill No. 62:

A bill to be entitled an act to provide for the specific performance of certain kinds of contracts made by railroad companies,

Was read the second time in full.

Mr. McKinne moved that the bill be recommitted to the Committee on Railroads;

Which was not agreed to.

The bill was ordered engrossed for its third reading.

Senate Bill No. 51:

A bill to be entitled an act to incorporate the Consumers' Electric Light and Street Railroad Company,

Was taken up and passed informally at the request of Mr. McKay, its introducer.

Senate Bill No. 66:

A bill to be entitled an act to incorporate the Tampa and Western Railroad Company,

Was read the second time in full, together with the amendments offered by the Committee on Railroads.

Mr. Summers offered the following amendment:

Strike out "Sections 8, 9, 10 and 13;"

Which was withdrawn.

Mr. Wolfe moved that the bill remain on its second reading until to-morrow;

Which was agreed to, and so ordered.

The Senate thereupon, on motion of Mr. Reeves, adjourned until 10 o'clock A. M. Saturday, April 22, 1893.

SATURDAY, APRIL 22, 1893.

The Senate met pursuant to adjournment.
The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Baya, Borden, Bristol, Broome, Browne, Calhoun, Farmer, Fleming, Genovar, Johnson, Marks, McKay, McKinne, McKinney, McLeran, Morrow, Myers, Perrenot, Reeves, Rosborough, St. Clair Abrams, Summers, Thomas, Wadsworth, Weeks, Whidden, Williamson and Wolfe—29.

A quorum present.

Prayer by the Chaplain.

The Journal was approved.

Introduction of Resolutions.

By Mr. Broome:

Senate Resolution No. 19;

Which was read as follows:

Be it resolved by the Senate that no committee shall be permitted to engage the services of any clerk, at the expense of the State, without first receiving the consent of the Senate.

Mr. Broome moved that the resolution be adopted;

Which was agreed to, and the resolution was declared adopted.

Introduction of Bills.

By Mr. Farmer:

Senate Bill No. 152:

A bill to be entitled an act for the relief of George A. Barr and Benjamin Cook of Nassau county, Florida.

Mr. Farmer moved that the rule be waived and that the bill be read the first time by its title;

Which was agreed to by a two-thirds vote,

Whereupon the bill was read the first time by its title and referred to the Committee on Claims.

By Mr. Genovar:

Senate Bill No. 153: